

APR 12 2013

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DONALD ROBERT PILCHER,)	CASE NO. 7:13CV00135
)	
Petitioner,)	
)	FINAL ORDER
v.)	
)	
COMMONWEALTH OF VIRGINIA,)	By: James C. Turk
)	Senior United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's submission styled as a "MOTION TO VACATE VOID JUDGMENTS PER FRCP 60(B)," is **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and is **DISMISSED** without prejudice as successive, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED.**

ENTER: This 17th day of April, 2013.

[Signature: James C. Turk]
Senior United States District Judge